

As Introduced

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H. B. No. 327

Representatives Grendell, Fowler Arthur

Cosponsors: Representatives Abrams, Ginter, Click, Holmes, Stoltzfus, Gross, Vitale, Riedel, Jordan, Zeltwanger, Cross, Johnson, McClain, Edwards, Merrin, Schmidt, Dean, Wiggam, Brinkman, Callender, Creech, Loychik, Stein, Powell, Young, T., Stephens, Plummer, Ferguson, Kick, Young, B., Richardson, Cutrona, Carruthers, John

A BILL

To amend sections 3314.03 and 3326.11 and to enact
sections 3313.6027 and 4113.35 of the Revised
Code to prohibit school districts, community
schools, STEM schools, and state agencies from
teaching, advocating, or promoting divisive
concepts. 1 2 3 4 5 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3314.03 and 3326.11 be amended
and sections 3313.6027 and 4113.35 of the Revised Code be
enacted to read as follows: 7 8 9

Sec. 3313.6027. (A) As used in this section: 10

(1) "Divisive concepts" means the concepts that: 11

(a) One nationality, color, ethnicity, race, or sex is
inherently superior to another nationality, color, ethnicity,
race, or sex. 12 13 14

<u>(b) The United States is fundamentally racist or sexist.</u>	15
<u>(c) An individual, by virtue of the individual's</u>	16
<u>nationality, color, ethnicity, race, or sex, is inherently</u>	17
<u>racist, sexist, or oppressive, whether consciously or</u>	18
<u>unconsciously.</u>	19
<u>(d) An individual should be discriminated against or</u>	20
<u>receive adverse treatment solely or partly because of the</u>	21
<u>individual's nationality, color, ethnicity, race, or sex.</u>	22
<u>(e) Members of one nationality, color, ethnicity, race, or</u>	23
<u>sex cannot and should not attempt to treat others without</u>	24
<u>respect to nationality, color, ethnicity, race, or sex.</u>	25
<u>(f) An individual's moral character is necessarily</u>	26
<u>determined by the individual's nationality, color, ethnicity,</u>	27
<u>race, or sex.</u>	28
<u>(g) An individual, by virtue of the individual's</u>	29
<u>nationality, color, ethnicity, race, or sex, bears</u>	30
<u>responsibility for actions committed in the past by other</u>	31
<u>members of the same nationality, color, ethnicity, race, or sex.</u>	32
<u>(h) Meritocracy or traits such as a hard work ethic are</u>	33
<u>racist or sexist or were created by a particular nationality,</u>	34
<u>color, ethnicity, race, or sex to oppress another nationality,</u>	35
<u>color, ethnicity, race, or sex.</u>	36
<u>(i) Any other form of race or sex stereotyping or any</u>	37
<u>other form of race or sex scapegoating.</u>	38
<u>(2) "Race or sex stereotyping" means ascribing character</u>	39
<u>traits, values, moral and ethical codes, privileges, status, or</u>	40
<u>beliefs to a nationality, color, ethnicity, race, or sex or to</u>	41
<u>an individual because of the individual's nationality, color,</u>	42

ethnicity, race, or sex.

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(3) "Race or sex scapegoating" means assigning fault, blame, or bias to a nationality, color, ethnicity, race, or sex or to members of a nationality, color, ethnicity, race, or sex because of their nationality, color, ethnicity, race, or sex. It also includes any claim that consciously or unconsciously, and by virtue of their nationality, color, ethnicity, race, or sex, members of any nationality, color, ethnicity, or race are inherently racist or are inherently inclined to oppress others or members of a sex are inherently sexist or are inherently inclined to oppress others.

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(B) (1) No school district shall teach, instruct, or train any divisive concepts, nor shall any school district require a student to advocate for or against a specific topic or point of view to receive credit for any coursework.

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(2) No school district shall accept private funding for the purpose of developing a curriculum, purchasing or selecting course materials, or providing teacher training or professional development for a course promoting divisive concepts.

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(C) If the superintendent of public instruction determines that any school district knowingly violates the prohibitions prescribed in division (B) of this section, the department of education shall withhold state funding from the district in the amount determined by the department until such time as the department determines the district no longer is in violation of that division.

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(D) Nothing in this section shall be construed to prohibit discussing or using supplemental instructional materials, as part of a larger course of academic instruction, to teach

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divisive concepts in an objective manner and without 72
endorsement. Such materials may include the following: 73

(1) The history of an ethnic group, as described in 74
textbooks and instructional materials adopted in accordance with 75
the Revised Code concerning textbooks and instructional 76
materials; 77

(2) The impartial discussion of controversial aspects of 78
history; 79

(3) The impartial instruction on the historical oppression 80
of a particular group of people based on race, ethnicity, class, 81
nationality, religion, or geographic region; 82

(4) Historical documents permitted under statutory law, 83
such as the national motto, the national anthem, the Ohio 84
Constitution, the United States Constitution, the Revised Code, 85
federal law, and United States Supreme Court decisions. 86

(E) The state board of education may adopt rules regarding 87
the implementation of and monitoring compliance with the 88
provisions of this section. 89

Sec. 3314.03. A copy of every contract entered into under 90
this section shall be filed with the superintendent of public 91
instruction. The department of education shall make available on 92
its web site a copy of every approved, executed contract filed 93
with the superintendent under this section. 94

(A) Each contract entered into between a sponsor and the 95
governing authority of a community school shall specify the 96
following: 97

(1) That the school shall be established as either of the 98
following: 99

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	100 101 102
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	103 104
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	105 106 107 108
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	109 110 111 112
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	113 114 115 116
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	117 118 119
(6) (a) Dismissal procedures;	120
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	121 122 123 124 125 126
(7) The ways by which the school will achieve racial and	127

ethnic balance reflective of the community it serves;	128
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	129 130 131 132 133 134
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	135 136
(a) A detailed description of each facility used for instructional purposes;	137 138
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	139 140
(c) The annual mortgage principal and interest payments that are paid by the school;	141 142
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	143 144 145
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code.	146 147 148 149 150 151
(11) That the school will comply with the following requirements:	152 153
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred	154 155

twenty hours per school year. 156

(b) The governing authority will purchase liability 157
insurance, or otherwise provide for the potential liability of 158
the school. 159

(c) The school will be nonsectarian in its programs, 160
admission policies, employment practices, and all other 161
operations, and will not be operated by a sectarian school or 162
religious institution. 163

(d) The school will comply with sections 9.90, 9.91, 164
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 165
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 166
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 167
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 168
3313.6025, 3313.6027, 3313.643, 3313.648, 3313.6411, 3313.66, 169
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 170
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 171
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 172
3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 173
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.321, 174
3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 175
3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 176
3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 177
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 178
4123., 4141., and 4167. of the Revised Code as if it were a 179
school district and will comply with section 3301.0714 of the 180
Revised Code in the manner specified in section 3314.17 of the 181
Revised Code. 182

(e) The school shall comply with Chapter 102. and section 183
2921.42 of the Revised Code. 184

(f) The school will comply with sections 3313.61, 185
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 186
Revised Code, except that for students who enter ninth grade for 187
the first time before July 1, 2010, the requirement in sections 188
3313.61 and 3313.611 of the Revised Code that a person must 189
successfully complete the curriculum in any high school prior to 190
receiving a high school diploma may be met by completing the 191
curriculum adopted by the governing authority of the community 192
school rather than the curriculum specified in Title XXXVIII of 193
the Revised Code or any rules of the state board of education. 194
Beginning with students who enter ninth grade for the first time 195
on or after July 1, 2010, the requirement in sections 3313.61 196
and 3313.611 of the Revised Code that a person must successfully 197
complete the curriculum of a high school prior to receiving a 198
high school diploma shall be met by completing the requirements 199
prescribed in division (C) of section 3313.603 of the Revised 200
Code, unless the person qualifies under division (D) or (F) of 201
that section. Each school shall comply with the plan for 202
awarding high school credit based on demonstration of subject 203
area competency, and beginning with the 2017-2018 school year, 204
with the updated plan that permits students enrolled in seventh 205
and eighth grade to meet curriculum requirements based on 206
subject area competency adopted by the state board of education 207
under divisions (J)(1) and (2) of section 3313.603 of the 208
Revised Code. Beginning with the 2018-2019 school year, the 209
school shall comply with the framework for granting units of 210
high school credit to students who demonstrate subject area 211
competency through work-based learning experiences, internships, 212
or cooperative education developed by the department under 213
division (J)(3) of section 3313.603 of the Revised Code. 214

(g) The school governing authority will submit within four 215

months after the end of each school year a report of its 216
activities and progress in meeting the goals and standards of 217
divisions (A) (3) and (4) of this section and its financial 218
status to the sponsor and the parents of all students enrolled 219
in the school. 220

(h) The school, unless it is an internet- or computer- 221
based community school, will comply with section 3313.801 of the 222
Revised Code as if it were a school district. 223

(i) If the school is the recipient of moneys from a grant 224
awarded under the federal race to the top program, Division (A), 225
Title XIV, Sections 14005 and 14006 of the "American Recovery 226
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 227
the school will pay teachers based upon performance in 228
accordance with section 3317.141 and will comply with section 229
3319.111 of the Revised Code as if it were a school district. 230

(j) If the school operates a preschool program that is 231
licensed by the department of education under sections 3301.52 232
to 3301.59 of the Revised Code, the school shall comply with 233
sections 3301.50 to 3301.59 of the Revised Code and the minimum 234
standards for preschool programs prescribed in rules adopted by 235
the state board under section 3301.53 of the Revised Code. 236

(k) The school will comply with sections 3313.6021 and 237
3313.6023 of the Revised Code as if it were a school district 238
unless it is either of the following: 239

(i) An internet- or computer-based community school; 240

(ii) A community school in which a majority of the 241
enrolled students are children with disabilities as described in 242
division (A) (4) (b) of section 3314.35 of the Revised Code. 243

(l) The school will comply with section 3321.191 of the 244

Revised Code, unless it is an internet- or computer-based	245
community school that is subject to section 3314.261 of the	246
Revised Code.	247
(12) Arrangements for providing health and other benefits	248
to employees;	249
(13) The length of the contract, which shall begin at the	250
beginning of an academic year. No contract shall exceed five	251
years unless such contract has been renewed pursuant to division	252
(E) of this section.	253
(14) The governing authority of the school, which shall be	254
responsible for carrying out the provisions of the contract;	255
(15) A financial plan detailing an estimated school budget	256
for each year of the period of the contract and specifying the	257
total estimated per pupil expenditure amount for each such year.	258
(16) Requirements and procedures regarding the disposition	259
of employees of the school in the event the contract is	260
terminated or not renewed pursuant to section 3314.07 of the	261
Revised Code;	262
(17) Whether the school is to be created by converting all	263
or part of an existing public school or educational service	264
center building or is to be a new start-up school, and if it is	265
a converted public school or service center building,	266
specification of any duties or responsibilities of an employer	267
that the board of education or service center governing board	268
that operated the school or building before conversion is	269
delegating to the governing authority of the community school	270
with respect to all or any specified group of employees provided	271
the delegation is not prohibited by a collective bargaining	272
agreement applicable to such employees;	273

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	274 275 276
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:	277 278 279 280 281 282
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	283 284
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	285 286 287
(c) Permit the enrollment of students who reside in any other district in the state.	288 289
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	290 291 292 293
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	294 295 296
(22) A provision recognizing both of the following:	297
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	298 299 300 301

(b) The authority of the department of education as the 302
community school oversight body to suspend the operation of the 303
school under section 3314.072 of the Revised Code if the 304
department has evidence of conditions or violations of law at 305
the school that pose an imminent danger to the health and safety 306
of the school's students and employees and the sponsor refuses 307
to take such action. 308

(23) A description of the learning opportunities that will 309
be offered to students including both classroom-based and non- 310
classroom-based learning opportunities that is in compliance 311
with criteria for student participation established by the 312
department under division (H) (2) of section 3314.08 of the 313
Revised Code; 314

(24) The school will comply with sections 3302.04 and 315
3302.041 of the Revised Code, except that any action required to 316
be taken by a school district pursuant to those sections shall 317
be taken by the sponsor of the school. However, the sponsor 318
shall not be required to take any action described in division 319
(F) of section 3302.04 of the Revised Code. 320

(25) Beginning in the 2006-2007 school year, the school 321
will open for operation not later than the thirtieth day of 322
September each school year, unless the mission of the school as 323
specified under division (A) (2) of this section is solely to 324
serve dropouts. In its initial year of operation, if the school 325
fails to open by the thirtieth day of September, or within one 326
year after the adoption of the contract pursuant to division (D) 327
of section 3314.02 of the Revised Code if the mission of the 328
school is solely to serve dropouts, the contract shall be void. 329

(26) Whether the school's governing authority is planning 330
to seek designation for the school as a STEM school equivalent 331

under section 3326.032 of the Revised Code;	332
(27) That the school's attendance and participation policies will be available for public inspection;	333 334
(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;	335 336 337 338 339 340 341
(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	342 343 344
(a) An indication of what blended learning model or models will be used;	345 346
(b) A description of how student instructional needs will be determined and documented;	347 348
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	349 350
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	351 352 353
(e) A statement describing how student progress will be monitored;	354 355
(f) A statement describing how private student data will be protected;	356 357
(g) A description of the professional development	358

activities that will be offered to teachers. 359

(30) A provision requiring that all moneys the school's 360
operator loans to the school, including facilities loans or cash 361
flow assistance, must be accounted for, documented, and bear 362
interest at a fair market rate; 363

(31) A provision requiring that, if the governing 364
authority contracts with an attorney, accountant, or entity 365
specializing in audits, the attorney, accountant, or entity 366
shall be independent from the operator with which the school has 367
contracted. 368

(32) A provision requiring the governing authority to 369
adopt an enrollment and attendance policy that requires a 370
student's parent to notify the community school in which the 371
student is enrolled when there is a change in the location of 372
the parent's or student's primary residence. 373

(33) A provision requiring the governing authority to 374
adopt a student residence and address verification policy for 375
students enrolling in or attending the school. 376

(B) The community school shall also submit to the sponsor 377
a comprehensive plan for the school. The plan shall specify the 378
following: 379

(1) The process by which the governing authority of the 380
school will be selected in the future; 381

(2) The management and administration of the school; 382

(3) If the community school is a currently existing public 383
school or educational service center building, alternative 384
arrangements for current public school students who choose not 385
to attend the converted school and for teachers who choose not 386

to teach in the school or building after conversion;	387
(4) The instructional program and educational philosophy	388
of the school;	389
(5) Internal financial controls.	390
When submitting the plan under this division, the school	391
shall also submit copies of all policies and procedures	392
regarding internal financial controls adopted by the governing	393
authority of the school.	394
(C) A contract entered into under section 3314.02 of the	395
Revised Code between a sponsor and the governing authority of a	396
community school may provide for the community school governing	397
authority to make payments to the sponsor, which is hereby	398
authorized to receive such payments as set forth in the contract	399
between the governing authority and the sponsor. The total	400
amount of such payments for monitoring, oversight, and technical	401
assistance of the school shall not exceed three per cent of the	402
total amount of payments for operating expenses that the school	403
receives from the state.	404
(D) The contract shall specify the duties of the sponsor	405
which shall be in accordance with the written agreement entered	406
into with the department of education under division (B) of	407
section 3314.015 of the Revised Code and shall include the	408
following:	409
(1) Monitor the community school's compliance with all	410
laws applicable to the school and with the terms of the	411
contract;	412
(2) Monitor and evaluate the academic and fiscal	413
performance and the organization and operation of the community	414
school on at least an annual basis;	415

- (3) Report on an annual basis the results of the 416
evaluation conducted under division (D) (2) of this section to 417
the department of education and to the parents of students 418
enrolled in the community school; 419
- (4) Provide technical assistance to the community school 420
in complying with laws applicable to the school and terms of the 421
contract; 422
- (5) Take steps to intervene in the school's operation to 423
correct problems in the school's overall performance, declare 424
the school to be on probationary status pursuant to section 425
3314.073 of the Revised Code, suspend the operation of the 426
school pursuant to section 3314.072 of the Revised Code, or 427
terminate the contract of the school pursuant to section 3314.07 428
of the Revised Code as determined necessary by the sponsor; 429
- (6) Have in place a plan of action to be undertaken in the 430
event the community school experiences financial difficulties or 431
closes prior to the end of a school year. 432
- (E) Upon the expiration of a contract entered into under 433
this section, the sponsor of a community school may, with the 434
approval of the governing authority of the school, renew that 435
contract for a period of time determined by the sponsor, but not 436
ending earlier than the end of any school year, if the sponsor 437
finds that the school's compliance with applicable laws and 438
terms of the contract and the school's progress in meeting the 439
academic goals prescribed in the contract have been 440
satisfactory. Any contract that is renewed under this division 441
remains subject to the provisions of sections 3314.07, 3314.072, 442
and 3314.073 of the Revised Code. 443
- (F) If a community school fails to open for operation 444

within one year after the contract entered into under this 445
section is adopted pursuant to division (D) of section 3314.02 446
of the Revised Code or permanently closes prior to the 447
expiration of the contract, the contract shall be void and the 448
school shall not enter into a contract with any other sponsor. A 449
school shall not be considered permanently closed because the 450
operations of the school have been suspended pursuant to section 451
3314.072 of the Revised Code. 452

Sec. 3326.11. Each science, technology, engineering, and 453
mathematics school established under this chapter and its 454
governing body shall comply with sections 9.90, 9.91, 109.65, 455
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 456
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 457
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 458
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 459
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 460
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.61, 3313.611, 461
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 462
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3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 466
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3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 3319.321, 468
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3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 470
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3323.251, 471
3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 472
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 473
4123., 4141., and 4167. of the Revised Code as if it were a 474
school district. 475

<u>Sec. 4113.35. (A) As used in this section:</u>	476
<u>(1) "Divisive concept" has the same meaning as in section 3313.6027 of the Revised Code.</u>	477 478
<u>(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government and includes a state institution of higher education, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, and the state highway patrol retirement system.</u>	479 480 481 482 483 484 485
<u>(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.</u>	486 487
<u>(B)(1) No state agency shall offer teaching, instruction, or training on divisive concepts to any employees, contractors, staff members, or any other individual or group or require them to adopt or believe in divisive concepts.</u>	488 489 490 491
<u>(2) No state employee shall face any penalty or discrimination on account of the employee's refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to divisive concepts. No state employee shall be required to complete a curriculum including divisive concepts as a condition or prerequisite of employment.</u>	492 493 494 495 496 497
<u>(3) No state agency shall accept private funding for the purpose of developing curriculum, purchasing or selecting course materials, or providing training or professional development for a course that promotes divisive concepts.</u>	498 499 500 501
<u>(C) The administrative head of each state agency shall do the following:</u>	502 503

(1) Review the agency's respective grant programs to 504
identify which programs may require grant recipients, as a 505
condition of receiving a grant from the agency, to certify that 506
the recipient shall not use grant funds to promote divisive 507
concepts. 508

(2) Review all training programs for agency employees 509
relating to diversity or inclusion to ensure the programs comply 510
with the requirements of division (B) of this section. If a 511
training program provided by a contracted entity relates to 512
diversity or inclusion that teaches, advocates, or promotes 513
divisive concepts and violates the applicable contract, the 514
agency head shall evaluate whether to pursue debarment of the 515
contractor, consistent with applicable law and regulation. 516

(3) Ensure that divisive concepts are not taught, 517
advocated, acted upon, or promoted by the agency, the agency's 518
employees during work hours, or any contractor hired by the 519
agency to provide training, workshops, forums, or similar 520
programming to the agency's employees; 521

(4) Encourage agency employees not to judge each other by 522
their color, race, ethnicity, sex, or any other characteristic 523
protected by federal or state law; 524

(5) Issue to all agency employees the policy developed 525
under division (D) of this section, annually review and assess 526
the agency's compliance with the policy, and submit a report to 527
the department of administrative services regarding the agency's 528
compliance. At least one employee of the agency shall be 529
responsible for ensuring compliance with the requirements of the 530
policy. 531

(D) The department of administrative services shall 532

develop a policy that complies with the requirements of this 533
section and incorporates the requirements of diversity and 534
inclusion efforts and encourages state employees not to judge 535
each other by their color, race, ethnicity, sex, or any other 536
characteristic protected by federal or state law. The department 537
shall establish rules in accordance with Chapter 119. of the 538
Revised Code for the implementation and enforcement of the 539
policy. 540

(E) Nothing in this section shall be construed to prohibit 541
discussing or using supplemental instructional materials, as 542
part of a larger course of academic instruction or training, to 543
teach divisive concepts in an objective manner and without 544
endorsement. Such materials may include the following: 545

(1) The history of an ethnic group, as described in 546
textbooks and instructional materials adopted in accordance with 547
statutory law concerning textbooks and instructional materials; 548

(2) The impartial discussion of controversial aspects of 549
history; 550

(3) The impartial instruction on the historical oppression 551
of a particular group of people based on race, ethnicity, class, 552
nationality, religion, or geographic region; 553

(4) Historical documents permitted under statutory law, 554
such as the national motto, the national anthem, the Ohio 555
Constitution, the United States Constitution, the Revised Code, 556
federal law, and United States Supreme Court decisions. 557

Section 2. That existing sections 3314.03 and 3326.11 of 558
the Revised Code are hereby repealed. 559

Section 3. The General Assembly, applying the principle 560
stated in division (B) of section 1.52 of the Revised Code that 561

amendments are to be harmonized if reasonably capable of 562
simultaneous operation, finds that the following sections, 563
presented in this act as composites of the sections as amended 564
by the acts indicated, are the resulting versions of the 565
sections in effect prior to the effective date of the sections 566
as presented in this act: 567

Section 3314.03 of the Revised Code as amended by H.B. 568
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 569
89, all of the 133rd General Assembly. 570

Section 3326.11 of the Revised Code as amended by H.B. 571
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 572
General Assembly. 573